

# HOUSE . . . . . No. 1372

By Mr. Petersen of Marblehead, petition of Douglas W. Petersen and others for legislation to regulate the handling and recycling of used oil filters. Environment, Natural Resources and Agriculture.

## The Commonwealth of Massachusetts

### PETITION OF:

Douglas W. Petersen                      Anthony J. Verga  
J. James Marzilli, Jr.

In the Year Two Thousand and Five.

AN ACT REQUIRING THE FURTHER MANAGEMENT OF USED OIL FILTERS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Chapter 21C of the General Laws is hereby  
2 amended by adding the following six sections:—

3     Section 31. As used in sections thirty-one to thirty-six, inclu-  
4 sive, the following words shall have the following meanings  
5 unless the context requires otherwise:

6     “Used oil filter”, any device or component of a device, the pri-  
7 mary purpose of which is to remove contaminants from oil, which  
8 contains a residue of “waste oil” as defined in 802 CMR 2.00 and  
9 801 CMR 20.00 and is not considered hazardous under federal  
10 regulations.

11    “Used oil filter processor”, a person who removes oil from used  
12 oil filters to prepare the filters for recycling. A generator of used  
13 oil filters who consolidates, drains or crushes used oil filters for  
14 off-site recycling is not a used oil filter processor if the generator  
15 complies with the requirements of section thirty-three.

16    “Used oil filter transfer facility”, any facility which is used to  
17 store used oil filters which were not generated at that facility, and  
18 which stores used oil filters for more than ten days. A person who  
19 stores used oil filters generated at his own non-contiguous opera-

tion on his property shall not be considered a used oil filter transfer facility, provided the used oil filters are processed by a registered used oil filter processor or are managed by a waste-to-energy/resource recovery facility with ferrous metal recovery.

“Used oil filter transporter”, any person who transports for hire used oil filters to a used oil filter transfer or processing facility. Persons transporting used oil filters, along with other solid waste, to be managed at a waste-to-energy/resource recovery facility with ferrous metal recovery shall not be considered a “used oil filter transporter.”

Section 32. Used oil filters shall be recycled or disposed of at a waste-to-energy/resource recovery facility with ferrous metal recovery. No used oil filters or used oil filter components shall be landfilled. The provisions of sections thirty-two and thirty-three shall not apply to used oil filters that remain in place during engine block recycling and used oil filters generated by individual households.

Section 33. Each generator of used oil filters shall either register as a used oil filter processor or shall ensure that its filters are recycled by a registered used oil filter processor or managed through a waste-to-energy/resource recovery facility with ferrous metal recovery.

Section 34. the following persons shall register with the department of environmental protection:

- (1) used oil filter transporters;
- (2) used oil filter transfer facilities;
- (3) used oil filter processors;

Section 35. (a) Each registered used oil filter processor shall maintain records on forms as required by the department of environmental protection. These records shall include the destination or end use of the processed oil filters, including the name and street address of each destination or end user.

(b) The records required by this section shall be retained for a period of three years. The records shall be kept at the street address of the registered person and shall be available for inspection by the department during normal business hours.

(c) No later than March first of every year, each registered used oil filter processor shall submit an annual report for the preceding calendar year to the department. This report shall summarize the

59 information recorded pursuant to subsection (a) and include the  
60 yearly quantity of waste oil procured and the amount of steel  
61 processed.

62 Section 36. (a) Used oil filters shall be stored in a Federal  
63 Department of Transportation approved container for liquid which  
64 are clearly labeled “Used Oil Filters”, and which are in good con-  
65 dition without severe rusting, apparent structural defects or deteri-  
66 oration or visible oil leakage. The containers shall be sealed or  
67 otherwise protected from weather and stored on an oil imperme-  
68 able surface. Used oil filters that are sent to a waste-to-  
69 energy/resource recovery facility with ferrous metal recovery shall  
70 be exempt from the provisions of section 36.

71 (b) If all of the applicable requirements of this law are met,  
72 waste oil that incidentally accumulates in a container used to store  
73 and/or transport used oil filters destined for recycling shall not be  
74 subject to the requirements of 310 CMR 30.000 or any other state  
75 or local hazardous waste requirements until after the filters or  
76 waste oil have been removed from the container.

77 (c) Upon detection of a release of oil from any used oil filter  
78 container the facility owner and operator shall:

- 79 1. stop the release;
- 80 2. contain the released oil;
- 81 3. cleanup and manage properly the released oil and any subse-  
82 quent oil waste; and
- 83 4. repair or replace any leaking used oil filter storage containers  
84 prior to returning them to service.

1 SECTION 2. The commissioner of the department of environ-  
2 mental protection shall promulgate regulations necessary to carry  
3 out the provisions of this act within one year of passage of this  
4 act. All rules and regulations promulgated hereunder shall be filed  
5 with the joint committee on natural resources and agriculture 60  
6 days prior to their effective date.